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OFFICE OF PETITIONS

In re Application of :
Joel H. Gershenson :
Application No. 10/715,076 : ON PETITION
Filed: 17 November, 2003 :
For: PROTECTIVE TRAUMA DEVICE :
STRAPS FOR HELMETS :

This is a supplemental decision on the paper filed on 13 December, 2004, which is treated as a petition requesting withdrawal of the holding of abandonment under 37 CFR 1.181.

The petition is granted.

The application became abandoned on 27 November, 2004, for failure to timely file a response to the non-final Office action mailed on 26 July, 2004, which set a three (3) month shortened statutory period for reply. On 22 October, 2004, a one-month extension of time in accordance with 37 CFR 1.136(a) was obtained. No reply having been received, however, Notice of Abandonment was mailed on 27 June, 2005.

Petitioner asserts that a response was timely mailed to the USPTO via Express Mail on 24 November, 2004, but was returned as undeliverable to petitioner. In support, petitioner has provided a copy of the Express Mail label for the response showing that the reply was addressed to: U.S. Trademark and Patents, Randolph Building, 401 Dulany Street, Room 7C-79, Alexandria VA 22313, Mr. Lindsey, Rodney.

In light of Examiner Lindsey's statement that the applicant utilized an address given to him by the examiner, but the reply was not received in the Office, the petition may be favorably considered.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The application is being forwarded to Technology Center 3765 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions